

BRTF

NEW JERSEY BROWNFIELDS REDEVELOPMENT TASK FORCE

REGULAR TASK FORCE COMMITTEE MEETING

MINUTES OF MEETING HELD WEDNESDAY, JUNE 21, 2006
9:00 A.M. – 11:00 NOON

COOK COLLEGE STUDENT CENTER
59 BIEL ROAD
NEW BRUNSWICK, NJ 08901

Present—

Dennis M. Toft, Chairman – Public Member (Development)
Frances E. Hoffman, Secretary – NJ Department of Community Affairs, Office of Smart Growth
Talvin Davis – NJ Department of Transportation
Sally H. Dudley, Vice Chairperson – Public Member (Environmental)
Leah C. Healy – Public Member (Community Redevelopment)
George P. Kelley – Public Member (Regional Planning)
Ken Kloo – NJ Department of Environmental Protection
Nicole Royle – NJ Economic Development Authority (teleconference)
James D. Simmons – NJ Commerce, Economic Growth and Tourism Commission
Erin Simone – NJ Department of Agriculture

Cynthia Weiser, Recording Secretary, NJ Department of Community Affairs, Office of Smart Growth

Regrets—

Lauri F. Sheppard – NJ Redevelopment Authority

Absent—

Yuki Moore Laurenti – Public Member (Financial)
William T. Mullen – Public Member (Labor/Trade)

Others—

Stephanie D'Andrea – NJ Department of Community Affairs, Office of Smart Growth
Alan Miller – NJ Department of Community Affairs, Office of Smart Growth
Dan Reynolds – Counsel to the Task Force
Kenneth Reynolds – NJ Brownfields Association

I. CALL TO ORDER—

The Task Force Chairperson called the meeting to order at 9:05 a.m.

II. PLEDGE OF ALLEGIANCE—

III. ANNOUNCEMENT OF ADHERENCE TO OPEN PUBLIC RECORDS ACT—

Cynthia Weiser read a statement asserting adherence to the Open Public Records Act.

IV. ROLL CALL—

Cynthia Weiser, Brownfield Program Assistant, called roll. A quorum was present.

V. PUBLIC COMMENTS—None.

VI. APPROVAL OF MINUTES—

A motion was made and seconded to approve the February 21 Task Force minutes as modified. Eight approved, two abstained. A motion was made and seconded to conditionally accept the April 11 Task Force minutes until statements on Vapor Intrusion are clarified. Nine approved, and one abstained. Both were passed.

VII. COMMITTEE REPORTS—

- **Policy & Legislative Committee**—Leah Healey, Chairperson
Hazardous Discharge Site Remediation Funds-S1473/A2821— Bill S1473, which clarifies the funding limits for grants to local and county governments and other eligible parties from the Hazardous Discharge Site Remediation Fund for purposes of environmental investigation, was passed in the Senate. Environmental investigation costs are to be fully covered, increasing grant levels to 100% from 75%.

Institutional and Engineering Controls—A presentation on the Department of Environmental Protection oversight program regarding engineering and institutional controls was delivered to the Committee at its last meeting. Robert Hoch, manager of the program, is the only DEP staff assigned to the program. The Committee discussed possible mechanisms for local monitoring and awareness of the importance of tracking the maintenance or integrity of the controls. Suggestions included: adding the issues as items in the local planning board "check list"; including such controls in the educational requirements for planning officials; establishing a State or City website that would have such information; and having an outside entity act as 'clearinghouse' for that information.

MOA/ACO Oversight Documents—

The Committee continued its emphasis on the Task Force recommendation that DEP enter into the less burdensome Memorandum of Agreement (MOA) oversight document, rather than an Administrative Consent Order (ACO) with innocent parties who take on aspects of cleanup as part of brownfields redevelopment projects. The Committee requested a report from DEP on this issue at the June full Task Force meeting.

Evaluation of Brownfields policy and programs. The Committee recommended that a system be developed to monitor the progress of brownfields redevelopment projects supported by various state grants to determine the impact of the programs.

Eminent Domain Bills—

Discussions ensued regarding eminent domain. The Committee will continue to review bills and discuss the issue more fully at the June full Task Force meeting.

Condominium Registration – DCA Codes and Standards - A practice used by the DCA Codes and Standards division is in effect, preventing the staged sale of condominium units on brownfields redevelopment projects. Developers typically depend on staged sales for the financial viability of the project. The issue has been raised within DCA, and the Committee encourages discussion between DCA Codes and Standards and the Land Use division of DEP to resolve the issue.

- **Data & Marketing Committee**—George Kelley, Chairperson
New Jersey Economic Growth Strategy. The Committee suggests that the Task Force invite staff from the Governor's Office of Economic Growth to discuss the importance of Brownfields and the role of the Brownfields Redevelopment Task Force in promoting economic vitality, environmental stewardship and better quality of life in New Jersey.

State Environmental Insurance Symposium. The Symposium is being held today and tomorrow. Approximately 80 participants from a wide range of stakeholder groups will attend, and a white paper will be developed, serving as a base for future action.

Site Mart. Properties listed in the Site Mart database continue to build (135+), as have the frequency of hits per month. Approximately 80 properties transferred from the incomplete to complete database. The biggest detractor from completion of the front database is lack of waivers signed by owners approving listing their properties on the publicly accessible section of the NJSiteMart.

Budget- There has been no further word from DCA regarding whether or not the forwarding language which would allow use of the state appropriation through the next fiscal year, was approved. The support of the SiteMart is through the USEPA grant of \$119,000 and a portion of the State allocation.

VIII. BROWNFIELDS DIRECTOR'S REPORT—Frances E. Hoffman, Director

- **BRIT Projects—** Projects reviewed by the BRIT at its May and June meetings include:
 - Neptune City – a several block area bordering rail lines in which scattered sites will be cleaned up and redeveloped with a mix of infill uses,
 - Southampton – proposed transfer of property to municipality of former tomato canning factory for redevelopment into affordable housing, open/green space along creek, and minor expansion of abutting propane gas distribution operation, and
 - Teaneck – Greater Teaneck Conservancy project which creates a significant forested green area for nature trails, environmental education, and applied research into restoration of urban green areas.
- **Brownfields Program Funding—**
 - In addition to the information presented in the Data and Marketing Committee Report, the state hiring freeze precludes obtaining additional staff to help with the Site Mart and C-MAP, but interns will be working on the Site Mart and updating the resource kit this summer.
 - The DCA (on behalf of the Task Force) portion of recurring, non-competitive USEPA grant will be reduced from \$119,000 to approximately \$112,000 for the next fiscal year.
 - Significant program elements for the Task Force will be funded from a portion of existing USEPA grants that were not fully expended. It is anticipated that these funds will become available later this summer.
- **SiteMart - Request for Proposal (RFP) —** RFPs were circulated to several state colleges and universities for establishing University teams of a professor and students for specific brownfield inventory work this summer. Up to three \$25,000 grants will be awarded to successful University applicants.

DOT's grant to NJIT regarding many sites in the Port area is producing results, in total adding about 400 properties to the SiteMart.

League of Municipalities—League of Municipalities will be working with us to encourage localities to work with us more closely on the Site Mart in the fall.

Task Force Priorities—

 - Brownfields Site Inventory – see above
 - Statewide Insurance for Brownfields - Statewide Environmental Insurance Symposium program begins today; there will be follow-up.
 - Portfield Incentives - NJDOT initiated a meeting to reenergize a pending scope of work on a grant to the Rutgers University Voorhees Transportation Institute to support "Smart Growth Planning within the Liberty Corridor" redevelopment. The Office of Smart Growth had been instrumental in earlier stages of the effort. EDA and NJIT were also participants in the meeting. Work will continue on determining the scope of work and the interagency linkages.

- Outreach on New Incentives for Brownfields to Greenfields - USEPA sponsored conference in New Hampshire – attended by OSG Brownfields Program. The integration of Brownfields redevelopment and water source protection was the subject of this national conference.
DEP planning panel on green uses for Brownfields in up-coming state workshop.
- Incentives for Sustainable Development on Brownfields – no specific reports
- Monitoring of post-Kelo court decision on Brownfields – See Policy & Legislative Committee report.
- Outreach to Under-represented Brownfields Stakeholders – no specific reports
- Vapor Intrusion Risk on Brownfields - no specific reports

Discussion:

SiteMart Database: access to categories of information. A lengthy discussion ensued on possible viable ways to increase access to information on sites in the inventory, with particular attention to information on privately owned properties where the owner had not signed waivers. The Task Force DAG will be asked to propose alternative approaches to this issue. It was noted that many brownfields databases in the US have existed for some time and waivers have not been required.

Tracking Legislation: It was suggested that the Task Force email a 'Legislative Alert' to the members of the Legislature to communicate its recommendations. In addition, agency staff who currently track legislation, should forward Brownfields related information and bill references to the Task Force for discussion and recommendation. This list of bills would then be tracked. Task Force member agencies were asked to supply the Task Force with contact information for this purpose.

IX. CHAIRMAN'S COMMENTS—

Advisory Group to the Task Force: The next meeting of the Task Force will serve as the organizational event for the Advisory Group. An email invitation will be sent to combined contact databases. The proposed mission of the Advisory Group is to advise the Task Force on conditions in the marketplace and help the Task Force address policy and marketing of brownfields. It is anticipated that the Advisory Group will meet with the Task Force a minimum of three times a year.

Workshop for Owners of Brownfields Properties: A suggestion was made that site owners be invited to a free 'seminar/workshop' on "How to Market Your Property." The benefits of listing on the Site Mart would be explained fully and clearly so that fears are quelled and excitement is generated about the possibility of selling. Waivers could be available for signing. It was suggested that municipalities be invited to attend as well. More discussion will be held.

Review and Approval of Minutes: It was suggested that a procedure for informal review of draft minutes of the Task Force prior to the formal meeting be established so that edits or amendments could be prepared for the full meetings at which the minutes would be voted on formally.

X. TASK FORCE MEMBER COMMENTS—**• Department of Environmental Protection**

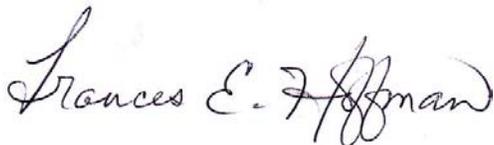
- Portfield Memorandum of Understanding: DEP has entered into an MOU with EDA and the NY/NJ Port Authority to expedite permitting on eight sites that have been selected as part of a pilot study for promoting cleanup and redevelopment in the Port areas.
- Hazardous Discharge Site Remediation Funds (HDSRF) program has been reassigned to the Office of Brownfield Reuse. Key goals were identified: Outreach activities, increased website information, address backlog, and provide guidance to applicants on use of cost guide, and resolve conflicts quickly. In addition, the technical review (approved work plan) process is being streamlined.

ACO/MOA Issue: DEP will execute MOAs for Preliminary Assessment, Site Investigation and Remedial Investigation work. Oversight documents for other work and circumstances are not yet finalized.

XI. ADJOURNMENT—

The meeting was adjourned at 12:15 p.m.

Respectfully submitted,



Frances E. Hoffman
Secretary, New Jersey Brownfields Redevelopment Task Force

Prepared by Cynthia Weiser, Primary Brownfields Program Assistant
4/01/06

ACTION ITEMS: (change)

- 1) Institutional and Engineering Controls – follow-up on planning board “check list”
- 2) MOA/ACO Oversight Documents - The Committee requested a report from DEP on this issue at the June full Task Force meeting.
- 3) Evaluation of Brownfields policy and programs. The Committee recommended that a system be developed to monitor the progress of brownfields redevelopment projects to determine their status and the impact of the state programs.
- 4) Eminent Domain Bills— The Committee will continue to review bills and discuss the issue more fully at the June full Task Force meeting.
- 5) Condominium Registration – DCA Codes and Standards – Condominium Registration Procedures - The Committee encourages discussion between DCA Codes and Standards and the Land Use division of DEP to resolve the issue.
- 6) NJSiteMart – Collaboration with the League of Municipalities in promoting municipal support for data collection and marketing sites.
- 7) NJSiteMart – RFPs for University Teams to populate site mart.
- 8) Smart Growth Planning within the Liberty Corridor – DOT grant to Rutgers Voorhees Transportation Institute – further efforts on scope of work and configuration of state agency support
- 9) SiteMart Database: access to categories of information. DAG opinion on alternative approaches to accessing categories of information
- 10) Tracking Legislation: It was suggested that the Task Force email a ‘Legislative Alert’ to the members of the Legislature to communicate its recommendations. Task Force member agencies were asked to supply the Task Force with contact information for this purpose.
- 11) Advisory Group to the Task Force: The next meeting of the Task Force will serve as the organizational event for the Advisory Group. An email invitation will be sent to combined contact databases.
- 12) Workshop for Owners of Brownfields Properties: A suggestion was made that site owners and municipalities/counties be invited to a free ‘seminar/workshop’ on “How to Market Your Property.”
- 13) Review and Approval of Minutes: It was suggested that a procedure for informal review of draft minutes of the Task Force prior to the formal meeting be established so that edits or amendments could be prepared for the full meetings at which the minutes would be voted on formally.

